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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/061,155	02/04/2002	Yoshinobu Shiraiwa	03500.016155	9159
5514	7590	03/17/2008	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			HUNTSINGER, PETER K	
			ART UNIT	PAPER NUMBER
			2625	
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			03/17/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/061,155	SHIRAIWA, YOSHINOBU	
	<b>Examiner</b>	<b>Art Unit</b>	
	PETER K. HUNTSINGER	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11/26/07.  
 2a) This action is **FINAL**.                  2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 51-58 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 51-58 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/07</u> .   | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 51-58 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 51, 54, 57, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiohara '553 in view of Miller '687.

Referring to claim 51, Shiohara '553 discloses an image pickup apparatus comprising: an image pickup unit for obtaining a digital image (col. 4, lines 4-6, CCD 2 for converting image pickup light);

an interface for connecting to a storage medium which stores the digital image obtained by said image pickup unit (col. 4, lines 6-9, signal processing section 3 outputs processed signal to frame memory 6);

a reproducing unit for reading out the digital image stored in the storage medium via said interface and causing a display apparatus to display the read-out image (col. 4, lines 35-37, frame memory 6 used as image display memory of LCD 16);

an operation unit for effecting a changeover operation of an image to be displayed on the display apparatus (Fig. 7(b));

a single manually operable designating unit for designating the image displayed on the display apparatus as a print subject for a printer communicating with said image pickup apparatus (button 17 or 18 of Fig. 7(b), col. 8, lines 48-51, if user presses either button 17 or 18, the print image selection means 453 assumes the candidate image to be selected);

a display control unit for causing the display apparatus to display a print setting screen for displaying a print condition determined in advance, in accordance with a first designation provided to said single manually operable designating unit when said image pickup apparatus is in a state in which an image to be displayed on the display apparatus is changeable in accordance with an operation of said operation unit (col. 8, lines 48-57, displays output method specification menu);

and a printing control unit for instructing the external printer to print the image displayed by the display apparatus, in response to a second designation provided to said single manually operable designating unit successively to the first designation (col. 9, lines 46-55, if the user presses button 17 or 18, the output unit is set. The user is able to utilize button 17 for switching to the print setting screen and for printing and button 18 for setting the parameters or vice versa),

wherein while said display control unit is causing the display apparatus to display the print setting screen, the print condition can be selected by operation of an operation member different from said single manually operable designating unit (col. 8-9, lines 63-

67, 1-7, buttons 18 and 19 used to increment and decrement the number of print sheets).

Shiohara '553 does not disclose expressly printing without requiring any other manual operation performed between the first and second designations.

Miller '687 discloses printing without requiring any other manual operation performed on the image pickup apparatus between the first and second designations (col. 4, lines 39-50, user presses Report key 74 a second time to print-out the last transaction).

At the time of the invention, it would have obvious to a person of ordinary skill in the art to enable automatic printing with the second designation of a button. The motivation for doing so would have been to reduce the operator input and increase user friendliness. Therefore, it would have been obvious to combine Miller '687 with Shiohara '553 to obtain the invention as specified in claim 51.

Referring to claim 54, see the rejection of claim 51 above.

Referring to claim 57, see the rejection of claim 51 above.

Referring to claim 58, see the rejection of claim 51 above.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 52, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiohara '553 and Miller '687 as applied to claims 51 and 54 above, and further in view of Kobayashi '717.

Referring to claim 52, Shiohara '553 discloses wherein the print setting screen is arranged so as to display a menu for instructing execution of a printing operation (Fig. 7(b), but does not disclose expressly another menu.

Kobayashi '717 teaches wherein a print setting screen is arranged so as to display a menu for instructing execution of a printing operation, and another menu, the menu for instructing execution of the printing operation being selected as a default menu in the displayed print setting screen (col. 4-5, lines 61-67, 1-7).

At the time of the invention, it would have obvious to a person of ordinary skill in the art to include another menu on a camera. The motivation for doing so would have been to provide addition options for the user to customize. Therefore, it would have been obvious to combine Kobayashi '717 with Shiohara '553 to obtain the invention as specified in claim 52.

Referring to claim 55, see the rejection of claim 52 above.

6. Claims 53 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiohara '553 and Miller '687 as applied to claim 51 and 54 above, and further in view of Hatakenaka '542.

Referring to claim 53, Shiohara '553 discloses a print setting screen but does not disclose expressly a selection item of cancellation.

Hatakenaka '542 discloses a selection item of cancellation (END of Fig. 4A, col. 6, lines 38-42).

At the time of the invention, it would have obvious to a person of ordinary skill in the art to provide a cancellation item in a menu. The motivation for doing so would have been to allow the user to stop an unwanted action. Therefore, it would have been obvious to combine Hatakenaka '542 with Shiohara '553 to obtain the invention as specified in claim 53.

Referring to claim 56, see the rejection of claim 53 above.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PETER K. HUNTSINGER whose telephone number is (571)272-7435. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PKH

/David K Moore/  
Supervisory Patent Examiner, Art Unit 2625